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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,557	11/13/2003	William P. Voegele JR.	056520-00042	6910
3705            7590            04/18/2007 ECKERT SEAMANS CHERIN & MELLOTT 600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			EXAMINER KWIECINSKI, RYAN D	
			ART UNIT 3635	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/18/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/706,557	VOEGELE, WILLIAM P.
	<b>Examiner</b>	<b>Art Unit</b>
	Ryan D. Kwiecinski	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-24 is/are withdrawn from consideration.
- 5) Claim(s) 25-28 is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) 6-10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

Replacement Oath or Declaration filed 15 January 2007 has been received and entered.

Applicant's arguments, see Part III of Applicant remarks, filed 15 January 2007, with respect to the rejection(s) of claim(s) 1-6 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference US 3,082,849 to Keller.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,574,449 to Rosenberg.**

**Claim 1:**

Rosenberg discloses a clip assembly for use with a panel system (Fig.2), comprising:

a first clip member (5, Fig.2) having an upright member (6, Fig.2) and an upper flange member (7, Fig.2) and a lower flange member (8, Fig.2) extending therefrom, the first clip member adapted to engage a panel (4, Fig.2);

a second clip member (5', Fig.2) having an upright member (6', Fig.2) and an upper flange member (7', Fig.2) and a lower flange member (8', Fig.2) extending therefrom, the second clip upright member and upper flange member adapted to cooperate with a panel (4, Fig.2), the lower flange member of the second clip member extending in a substantially same direction as the lower flange member of the first clip (both lower flanges extend in the horizontal plane perpendicular to the cross section, longitudinal direction); and

a gap formed between the upright member of the first clip member and the upright member of the second clip member (gap between the clips, Fig.2), said gap extending in a manner such that the upright member of the first clip member and the upright member of the second clip member are spaced apart from one another and do not contact one another (Fig.2),

wherein the first clip member and the second clip member constrain adjoining panels of the panel system against forces (Column 1, lines 42-43).

**Claims 2-5 recite functions of the panels and do not recite additional structure for the clip assembly. Therefore claims 2-5 are considered to be met by Rosenberg.**

**Claim 4:**

Rosenberg discloses the clip assembly of claim 1 as discussed above, Rosenberg also discloses the first clip member and the second clip member allow for movement of the adjoining panels in the longitudinal direction due to thermal expansion and contraction of the panels (Column 1, lines 57-61).

**Claim 5:**

Rosenberg discloses the clip assembly of claim 1 as discussed above, Rosenberg also discloses the first clip member and the second clip member allow for movement of the adjoining panels in a transverse direction (Column 1, lines 57-61).

***Allowable Subject Matter***

**Claims 6-10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claims 25-28 are allowed.**

The combination of two clip members with a gap between the upright members with a step portion on the lower flange was not found in the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RDK

  
Carl D. Friedman  
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